IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 19556 of 1994

Between:

Dr. S.R.J. Degree College, rep.by it's Secretary

& Correspondent Sri J.Yanadaiah,
R/o. Atmakur, Nellore Dist.

..... PETITIONER

AND

1 The Govt. of A.P., rep., by its Principal Secretary,
Education Department, Secretariat,
Hyderabad.
2 The Commissioner of Collegiate Education,
Opp to Latha Talkies, Nampally,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction more in the nature of Mandamus declaring the action of the respondents in not admitting the petitioner's college into grant-in-aid as per old staff pattern as illegal and void and consequently to direct the respondent to admit one post each of senior assistant, office boy, sweeper and gardener into grant-in-aid and to pass such other order or orders.

Counsel for the Petitioner: MR.K.BATHI REDDY

Counsel for the Respondents: GOVERNMENT PLEADER FOR HIGHER EDUCATION

The Court made the following:

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ORDER:

The grievance of the petitioner, which is a Degree College and represented by its Secretary and Correspondent, is that though the said College was admitted to grant-in-aid as early as in the year 1992 and they are governed by the old staffing pattern as envisaged in the Director's proceedings, dated 26.06.1995, the respondents are not admitting the posts of Senior Assistant, Office Boy, Sweeper and Gardener into grant-in-aid.

2. According to the learned counsel for the petitioner, the petitioner-College is having strength below 500 and as per the old staffing pattern, they can have two posts of Senior Assistants, three posts of Sweeper-cum-Scavenger and three posts of Gardener-cum-Waterman. Though the proceedings of the Director of Collegiate Education, dated 31.05.1991 and 15.10.1991 are clear to the effect that the petitioner-College is governed as per the Director's proceedings in R.C.No.203/D1/63, dated 26.06.1995, i.e., they can have the posts under the old staffing pattern, the respondents are not applying the old staffing pattern but they have applied the new staffing pattern and the posts of Senior Assistant, Office boy, Sweeper and Gardener are not admitted to grant-in-aid. In this

regard, the Secretary & Correspondent of the petitioner-college made representations to the authorities i.e. to the respondents on 22.01.1994 and 16.02.1994 but the respondents have not bothered to admit the said posts to grant-in-aid.

3. No counter-affidavit has been filed on behalf of the respondents.

4. From the impugned proceedings, dated 31.05.1991, coupled with 15.10.1991, I find force in the submissions made by the learned counsel for the petitioner that the petitioner-College is entitled to be governed by the old staffing pattern as per the proceedings, dated 26.06.1965. However, in view of the fact that the petitioner-college has already made representations and the said representations are not yet disposed of, I direct the respondents to consider the case of the petitioner positively, taking into consideration its own proceedings in R.C.No.240/PO/II-I/90 dated 31.05.1991 and 15.10.1991, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

GOPALA KRISHNA TAMADA, J

05.08.2004

DR

To

1 The Principal Secretary, Govt. of A.P.,
Education Department, Secretariat,

Hyderabad.

2 The Commissioner of Collegiate Education,
Opp to Latha Talkies, Nampally,
Hyderabad.

3 Two CCs to Govt. Pleader for Higher Education, High Court Buildings,

Hyderabad. (OUT)

4 Two CD copies.